



DOCKET NO: 129110

IN THE UNITED STATES PATENT & TRADEMARK OFFICE:

IN RE APPLICATION OF :
MASAHIDE MIURA : EXAMINER
SERIAL NO.: 10/589,669 : A. ZIMMER
FILED: AUGUST 16, 20006 : GROUP ART UNIT: 1793
FOR: METAL OXIDE PARTICLE, :
PRODUCTION PROCESS THEREOF :
AND EXHASUT GAS PURIFIYING :
CATALYST :

DECLARATION UNDER 37 C.F.R. 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

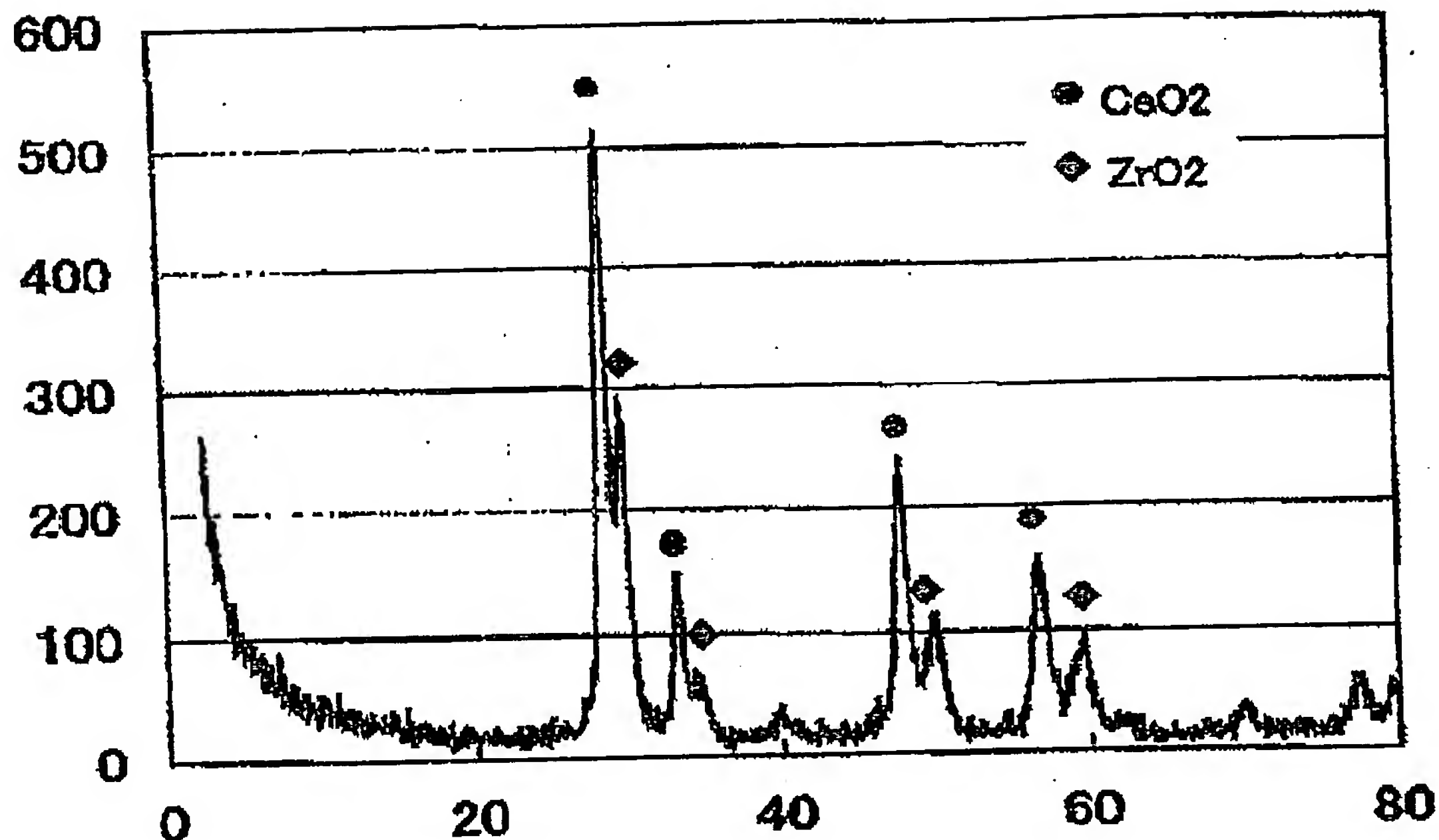
I, Oji KUNO hereby declare:

1. I am an employee of TOYOTA JIDOSYA KABUSHIKI KAISYA, and a named inventor of US2004/0087440A1 which has been cited as "Kuno" against the present application.

2. The following observations and experiments were carried out by me or under my direct supervision and control.

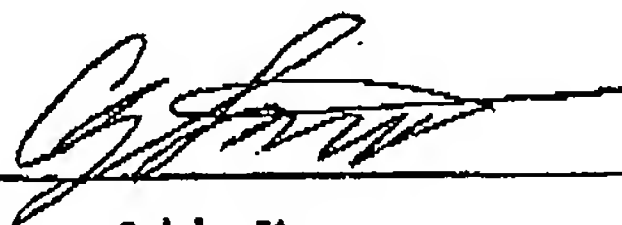
3. The following X-ray diffraction analysis was obtained to show that the metal oxide particle obtained under the experimental conditions shown in Example 1 of US2004/0087440A1 has cerium (CeO_2) primary particles and zirconia (ZrO_2) primary particles rather than ceria-zirconia solid solution ($\text{CeO}_2\text{-ZrO}_2$):

US2004/0087440 Example1



In the above X-ray diffraction analysis, peaks of ceria (CeO₂) and peaks of zirconia (ZrO₂) are shown, respectively, rather than peaks of ceria-zirconia solid solution (CeO₂-ZrO₂). Peaks of ceria-zirconia solid solution (CeO₂-ZrO₂) can not be found, although such peaks would have been found, if any, between adjoining peaks of ceria (CeO₂) and zirconia (ZrO₂). Therefore, according to the above X-ray diffraction analysis, it is shown that the metal oxide particle obtained under the experimental conditions shown in Example 1 of US2004/0087440A1 has cerium (CeO₂) primary particles and zirconia (ZrO₂) primary particles rather than ceria-zirconia solid solution (CeO₂-ZrO₂).

4. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believe to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.



Oji Kuno

9/28/09

Date